

REMARKS

Claims 1-13 and 21-44 currently remain in the application. Claims 1, 21, 24, 35, 42 and 43 have been amended. The Applicant thanks the Examiner for presenting a thorough analysis in a format and a style that is easily understood by the Applicant. Although this office action is a final office action, Applicant asks the Examiner to please consider entering the following amendments which they believe place the claims in condition for allowance since this final rejection was made as a first office action following the filing of an RCE.

The applicant believes the claim amendments do not add any new matter. In the specification it states (Page 13, line 11), *the odds of each outcome of a game are usually stored in the gaming machine in the form of a "pay table."* In the specification (Page 17, line 21-26), it states *when a game play is initiated by the player, the gaming machine selects the appropriate pay table for the prize or prizes selected and presents a game outcome to the player in the display area 418. As mentioned, the pay tables corresponding to different prizes and may be stored in a memory 424 or configured on the master gaming controller of gaming machine 400.* In the present invention, the pay tables may be stored in a memory location on the gaming machine. These pay tables are generated prior to the prize selection. Thus, when a prize is selected during game play, the gaming machine only has to select the appropriate pay table stored in the memory location corresponding to the selected prize. The pay table does not have to be generated by the gaming machine after the prize is selected. Thus, as recited in claims 1-13 and 21-44, *"the odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize."*

Claim Objections

Claims 42 and 43 have been amended and the objection is believed overcome thereby.

Rejections under 35 U.S.C. § 103

The Examiner rejected claims 1-13, 21-44 U.S.C. 103 (a) as being unpatentable over Walker et al. (6,068,552) in view of Kelly (US patent No. 6015344). The rejection is respectfully traversed.

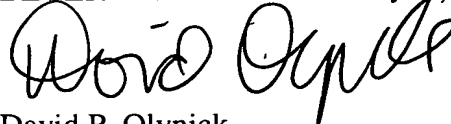
In Walker (see FIGs. 9A, 9B, 11B) after a parameter is selected by a player, new odds for the outcome to the game are generated to maintain a constant house advantage. In Walker (Col. 4, lines 45-46) it states, "the details of pay schedule 229 are discussed below, and will change with customization by the player." When in Walker, as shown in FIGs. 11A and 11B, a player

customizes one of the parameters affecting a payout amount in FIG. 11A, the odds in the probability table 1120 in FIG. 11B are changed. The odds are changed after the player makes their choices because the odds are a function of the choices made by the player (see FIGs. 9A and 9B and equations 1-4).

In contrast, in the present invention as recited in claims 1-13 and 21-44, the gaming machine is operable to determine the outcome for the played game of chance wherein odds for all possible outcomes of the played game of chance are generated prior to the selection of the prize. One advantage of this approach is that the odds in a pay table do not have to be adjusted each time a prize is selected. In the gaming industry, it is illegal to change the odds in a pay table while it is on the gaming machine because it provides opportunity for cheating. Walker teaches away from allowing "odds for all possible outcomes of the played game of chance" to be "generated prior to the selection of the prize." In Walker, each time a parameter is customized by a player such as a payout amount, after the player has made their selection, the gaming machine generates new odds to maintain a constant house advantage. Therefore, since Walker teaches away from the present invention, the combination of Kelly and Walker can't be said to render obvious the invention as recited in claims 1-13 and 21-44 and the objection is believed overcome thereby.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,
BEYER WEAVER & THOMAS, LLP



David P. Olynick
Reg. No.: 48,615

P.O. Box 778
Berkeley, CA 94704-0778
510-843-6200